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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARCUS ETIENNE, and
MARIO ROBINSON

Defendants.

Case No. CR 17-CR-00093 WHA

**STIPULATION AND ~~PROPOSED~~ ORDER
FINDING MARCUS ETIENNE AND MARIO
ROBINSON IN CRIMINAL CONTEMPT OF
COURT UNDER FED. R. CRIM. P. 42(b)**

It is hereby stipulated by and between counsel for the United States and counsel for the
defendants Marcus Etienne and Mario Robinson:

On April 15, 2022, the government issued a subpoena to Marcus Etienne and Mario Robinson to
appear and testify in the trial of Burte Gucci Rhodes. That trial was scheduled to begin on June 6, 2022.

On April 19, 2022, counsel for Etienne and Robinson informed the Court that Etienne and
Robinson would refuse to testify in response to the subpoena. Dkt. 621.

1 On June 6, 2022, the first day of trial, Etienne and Robinson were brought to Court by the
2 Marshals. The Court informed both Etienne and Robinson of their obligation to testify and that the
3 Court would grant them immunity against the use of their testimony in a future prosecution. The Court
4 also informed them that it would find them in contempt if they refused to testify. Both Etienne and
5 Robinson refused to testify.

6 The Court ordered that both Etienne and Robinson be held in civil contempt for the duration of
7 the trial, unless and until they complied with their obligation to testify.

8 The trial concluded on Monday, June 13, 2022, without either Etienne and Robinson agreeing to
9 testify.

10 **IT IS SO STIPULATED.**

11
12 DATED: July 8, 2022

Respectfully submitted,

13 STEPHANIE M. HINDS
14 United States Attorney

15 /s/ Kevin Rubino
16 KEVIN RUBINO
17 CASEY BOOME
18 Assistant United States Attorneys

19
20 DATED: July 8, 2022

/s/
21 SHAFFY MOEEL
22 Attorney for Defendant
23 MARIO ROBINSON

24 DATED: July 8, 2022


/s/
25 DARLENE BAGLEY COMSTEDT
26 Attorney for Defendant
27 MARCUS ETIENNE

~~[PROPOSED]~~ ORDER

For their failure to comply with the Court's Order to testify, the Court finds that Etienne and Robinson committed criminal contempt. Under Fed. R. Crim. P. 42(b), the Court imposes a sentence of six months imprisonment to run consecutive to their current federal sentences.

IT IS SO ORDERED.

DATED: July 18, 2022



HON. WILLIAM ALSUP
United States District Court Judge